IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WP(C).No. 20494 of 2007(M)

PETITIONER:

SHAILAJAN, AGED 47, S/O. PANANGATTU KRISHNAN,
SANTHIPURAM DESOM, SREENARAYANAPURAM
VILLAGE, KODUNGALLUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR).

RESPONDENTS:
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1. **THE CIRCLE INSPECTOR OF POLICE,**
   MALA POLICE STATION, MALA P.O., THRISSUR DISTRICT.

2. **THE SUB INSPECTOR OF POLICE,**
   KODUNGALLUR POLICE STATION, THRISSUR DISTRICT.

3. **VINU, S/O. MADHAVAN,**
   VALLATHERIL HOUSE, PUTHENVELIKKARA VILLAGE DESOM,
   PARAVUR TALUK.

4. **HEBIN, S/O. PODIYATH ANDREWS,**
   KOTTAPURAM DESOM, METHALA VILLAGE,
   KODUNGALLUR TALUK.

5. **THE SECRETARY TO THE GOVERNMENT,**
   HOME DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

BY ADV. SRI.P.S.SREEDHARAN PILLAI,
ADV. SMT.C.G.PREETHA,
ADV. SMT.P.RANI DIOTHIMA,
GOVT. PLEADER SRI. SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.20494/2007-M:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PLAINT IN O.S. NO. 550/06 DTD. 22/07/06 ON THE FILE OF THE MUNSIFF COURT, KODUNGALLUR.

EXT.P.2: COPY OF THE COMMISSIONER'S REPORT IN O.S. NO. 550/06 ON THE FILE OF THE MUNSIFF COURT, KODUNGALLUR DTD. 29/07/06.

EXT.P.3: COPY OF THE WRITTEN STATEMENT FILED BY THE R.3. IN O.S. NO. 50/06 ON THE FILE OF THE MUNSIFF COURT, KODUNGALLUR DTD. 23/08/06.

EXT.P.4: COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE R.2. DTD. 19/06/07.

EXT.P.5: COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE R.1. DTD. 26/06/2007.

RESPONDENT'S EXHIBITS:

EXT.R3.A: COPY OF THE AUCTION CERTIFICATE DTD. 1/03/1999 IN FAVOUR OF THE R.3.

EXT.R3.B: COPY OF THE BUILDING TAX RECEIPT FOR THE PERIOD 2006-2007 DTD. 19/02/2007.

EXT.R3.C: COPY OF THE RECEIPT OF LAND TAX PAID FOR THE 2006-2007 DTD. 19/02/2007.

EXT.R3.D: COPY OF THE OWNERSHIP CERTIFICATE ISSUED BY THE SECRETARY, METHALA GRAMA PANCHAYATH NO. B1/05 DTD. 22/03/2006.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 20494 OF 2007-M

Dated 11th October, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner claims, he is the tenant of a building owned by the 3rd respondent. He is running a Driving School there. When the said respondent tried to forcibly evict him from the premises, he moved the Munsiff's Court by filing O.S.No.550/2006. Ext.P1 is the plaint in that suit. The Commissioner appointed on the application of the petitioner visited the premises and filed Ext.P2 report, which would show that the petitioner is in possession of the premises. The 3rd respondent has filed a written statement in the above suit, a copy of which is produced as Ext.P3. The relief sought in the said suit is to injunct the 3rd respondent from evicting the petitioner, except under the procedure established by law. The Driving School of the petitioner uses an open public ground in the neighbourhood for imparting practical training in vehicles. But, persons engaged by the 3rd respondent, like the 4th respondent are causing obstruction to the use of vehicles in the public ground. So, he has preferred Ext.P4 representation before the Police,

which was followed by Ext.P5 representation. According to the petitioner, the 3rd respondent and a group of women under her leadership are trespassing into the office premises and disrupting its functioning. The grievance raised in Ext.P5 representation is against the said actions of the 3rd respondent. The petitioner seeks the following relief in this writ petition:

> "(i) Issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents 1 and 2 to provide sufficient, adequate and meaningful police protection to the life and property of the petitioner against the threat exerted by the respondents 3 and 4, including the threat of disruption of the business conducted by the petitioner in the properties which is the subject-matter of Exts.P1 and P2 and the activity opposite to the premises where he had his driving learning classes, in the interest of justice."

2. The 3rd respondent has filed a counter affidavit, stating that she has no connection with the petitioner. There is no landlord-tenant relationship. She got the property under court auction in 1999. In order to sell the property she had made arrangements with a broker, who was entrusted with the key of the building, so that the prospective buyers could inspect it. It appears, with the help of the said broker, the petitioner has trespassed into the property and reduced it to his possession. According to the 3rd respondent, all the contentions of the petitioner are unfounded.

3. The learned Government Pleader, upon instructions, submitted that since it is a civil dispute, the police did not interfere in the matter. The

parties were asked to maintain peace.

4. We feel that the dispute raised in this writ petition has to be resolved by the competent civil court. The police cannot be asked to interfere in this dispute. If the petitioner is aggrieved by the commissions and omissions of the 3rd respondent and her supporters, he can move the competent civil and criminal courts and seek appropriate reliefs. If the dispute between the petitioner and the 3rd respondent is developing into a law and order problem in the locality, needless to say, the police shall take appropriate action in accordance with law. This direction is not a direction either in favour of the petitioner or in favour of the 3rd respondent. In other words, the action of the police shall be even handed.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/